

**FILED**

MAR 09 2018

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA**

Clerk, U.S. District Court  
District Of Montana  
Helena

**BUTTE DIVISION**

UNITED STATES OF AMERICA EX  
REL. FRANK M. REMBERT AND  
MICHAEL R. PARADISE,

Plaintiffs,

vs.

BOZEMAN HEALTH DEACONESS  
HOSPITAL D/B/A BOZEMAN  
HEALTH, and  
DEACONESS-INTERCITY  
IMAGING, LLC D/B/A ADVANCED  
MEDICAL IMAGING,

Defendant.

No. CV 15-80-BU-SEH

**ORDER**

On March 9, 2018, the Court conducted a hearing on Relators' Motion to Compel re: Request for Production No. 19<sup>1</sup> and Defendants' Motion *in Limine* to Exclude HHS-OIG Advisory Opinion Evidence.<sup>2</sup>

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<sup>1</sup> Doc. 141.

<sup>2</sup> Doc. 157.

The Court was informed at the hearing that unresolved issues relating to Request for Production Number 19 were limited to:

1. Copies of employment agreements with physicians and other providers without redactions (Defendants agreed to produce redacted versions of employment agreements before Relators filed their motion to compel);
2. Copies of exclusive contracts between BDH and physician groups from 2005 to the present (if those physicians refer patients for radiologic services);
3. Agreements related to the purchase of physician practices by BDH since 2005 (if those physicians refer patients for radiologic services) and
4. Agreements related to any ownership interest in a joint venture purchased by BDH since 2005 (if other members of the joint venture refer patients for radiologic services).<sup>3</sup>

Upon the record made in open Court,

**ORDERED:**

1. Defendants will serve upon Relators on or before March 23, 2018, copies of employment agreements with physicians and other providers complete except for redaction of information as to compensation.

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<sup>3</sup> Doc. 176 at 2-3.

2. Defendants will submit to the Court for *in camera* inspection on or before March 23, 2018, unredacted copies of the employment agreements identified in paragraph 1 above.

3. Defendants will serve upon Relators on or before March 23, 2018, copies of “exclusive contracts between BDH and physician groups from 2005 to the present (if those physicians refer patients for radiologic services)”<sup>4</sup> complete except for redaction of information as to compensation.

4. Defendants will submit to the Court for *in camera* inspection on or before March 23, 2018, unredacted copies of the exclusive contracts identified in paragraph 3 above.

5. Defendants will submit to the Court for *in camera* inspection on or before March 23, 2018, unredacted copies of:

- [a]. Agreements related to the purchase of physician practices by BDH since 2005 (if those physicians refer patients for radiologic services) and
- [b]. Agreements related to any ownership interest in a joint venture purchased by BDH since 2005 (if other members of the joint venture refer patients for radiologic services).<sup>5</sup>

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<sup>4</sup> Doc. 176 at 2.

<sup>5</sup> Doc. 176 at 2-3.

4. Defendants' Motion *in Limine* to Exclude HHS-OIG Advisory

Opinion Evidence<sup>5</sup> is GRANTED.

DATED this 9<sup>th</sup> day of March, 2018.

  
SAM E. HADDON  
United States District Judge

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<sup>5</sup> Doc. 157.